



# Department of Justice

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WEDNESDAY, AUGUST 27, 2003  
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## **THREE NORTH TEXAS WINDSHIELD GLASS COMPANIES CHARGED WITH FIXING PRICES OF AUTOMOTIVE REPLACEMENT GLASS**

WASHINGTON, D.C. – Three Fort Worth companies, who own and operate retail automotive replacement glass stores, today were charged with participating in conspiracies to raise and maintain the prices of automotive replacement glass in the central North Texas and Lubbock areas of Texas, the Department of Justice announced.

Windshield Sales and Service Inc., Windshield Sales & Service of Dallas Inc., and Mesquite Auto Glass Inc. were charged in U.S. District Court in Lubbock, with conspiring with others in central North Texas from February 1998 until May 1998 to raise and maintain prices for the purchase of automotive replacement glass. Additionally, Windshield Sales & Service Inc. was charged with conspiring with competitors to raise and maintain the prices of automotive replacement glass in the Lubbock area from March 1998 until May 1998.

Automotive replacement glass is sold to retail customers for the replacement of windshields, side glass, back glass, and other types of automotive glass in pick-up trucks, passenger vehicles, and other vehicles.

“Today’s charges reflect the Division’s commitment to prosecute those who seek to deny the benefit of competition to American consumers,” said James M. Griffin, Deputy Assistant Attorney General in charge of the Antitrust Division’s Criminal Enforcement Program.

The prosecution of these three companies is the latest to arise out of an ongoing investigation into suspected price fixing in the windshield replacement glass industry.

In February 2003, James D. Kuhn, a former owner and officer of Windshield Sales and Services Inc., d/b/a Auto Glass Center, was convicted at trial for participating in two conspiracies to raise and maintain the prices of automotive replacement glass in the central North Texas area and the Lubbock, Texas area. Eldon Flyn Simmons, also a former owner and officer of Windshield Sales and Services Inc., d/b/a Auto Glass Center, was convicted for participating in the central North Texas area conspiracy. Both were sentenced to serve 10 months in jail and to pay a fine of \$75,000 each for their roles in the conspiracies. Simmons has appealed his conviction and sentence to the Fifth Circuit.

In February 1999, A-1 Auto Glass Inc. of Fort Worth was sentenced to pay a \$90,000 criminal fine for conspiring to fix prices on automotive replacement glass sold by retail glass stores in the Dallas-Fort Worth area. Also in February 1999, Crafton's Glass Inc. of Lubbock was sentenced to pay a \$35,000 for conspiring to fix prices on automotive replacement glass sold by retail stores in Lubbock, Texas.

The companies are charged with violating Section One of the Sherman Act, which carries a maximum penalty for a corporation of a fine of \$10 million, per count. The maximum fine may be increased to twice the gain derived from the crime or twice the loss suffered by the victims of the crime, if either of those amounts is greater than the statutory maximum fine.

The investigation is being conducted by the Antitrust Division's Dallas Field Office and the Federal Bureau of Investigation's Dallas Division.

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Anyone with information concerning price fixing in the automotive replacement glass industry should contact the Dallas Field Office of the Antitrust Division at 214-880-9401.

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